

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 14206US03

In the Application of:)
)
Charles Gollnick)
)
Serial No. 10/657,785)
)
Filed: September 8, 2003)
)
For: NETWORK SUPPORTING)
ROAMING, SLEEPING)
TERMINALS)
Examiner: SOBUTKA, PHILIP)
)
Group Art Unit: 2618)
)
Confirmation No.: 1344)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being sent via EFS-Web to the United States Patent and Trademark Office on October 3, 2008.

/Philip Henry Sheridan/
Philip Henry Sheridan
Reg. No. 59,918

LITIGATION STATEMENT PURSUANT TO MPEP § 2001.06(C) and SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with MPEP § 2001.06(c), the Applicants would like to bring to the attention of the U.S. Patent and Trademark Office that the subject matter currently being claimed in the present application may be related to at least one of the patents currently asserted by owner of record of the present application, Broadcom Corporation, in a stayed patent infringement action between Broadcom and Qualcomm, Inc., in the Central District of California, Civil Action No. 05-468. Further, U.S. Patent No. 6,374,311 was a subject of a U.S. International Trade Commission ("ITC") investigation styled *In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets*, Investigation No. 337-TA-543 ("ITC Investigation"). The administrative law judge in the ITC Investigation found that although the claims at issue of the '311 patent were valid, Qualcomm's chipsets did not infringe the claims at issue of the '311 patent. The ITC Investigation judgment was then appealed to the U.S. Court of Appeals for the Federal Circuit. On September 19, 2008, the Court of Appeals for the Federal Circuit affirmed the Commission's determination that Qualcomm's chipsets do not infringe the '311 patent, **and did not overturn the ITC's finding that the '311 patent is valid.**

Further, the Applicant submits herewith a Supplemental Information Disclosure Statement, including form PTO/SB/08 which has two (2) pages. A copy of each printed reference listed in the PTO/SB/08A form is also attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Eight (8) references, including the Court of Appeals for the Federal Circuit's decision, are attached in one electronic submission for the Supplemental Information Disclosure Statement.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned lawsuit and/or investigation. This submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08 and return one copy to the applicants to indicate consideration of the attached reference.

A fee of \$180.00 is due because:

- The first Office action on the merits has been received by applicant(s).
- Applicant(s) believe(s) that this statement and attachments are being filed before any final action has been mailed by the PTO; before a notice of allowance has issued; and prior to any other action that would close prosecution in the application. The basis of this belief is that no final action, no notice of allowance, and no other action that would close prosecution of the application appear to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Date: October 3, 2008

/Philip Henry Sheridan/
Philip Henry Sheridan
Reg. No. 59,918

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
(T) 312 775 8000
(F) 312 775 8100